

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JENNIFER BELKNAP, et al.,
Plaintiffs,

v.

LEON COUNTY, TEXAS, et al.,
Defendants.

6:22-CV-01028-ADA-JCM

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 37. The Report recommends that Leon County, Vanskike, and Spinks's Motion to Dismiss for Failure to State a Claim (ECF No. 11) and Southern Health Partners' and Page's Motion to Dismiss for Failure to State a Claim (ECF No. 18) be GRANTED in part and DENIED in part. *Id.* The Report and Recommendation was filed on May 3, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Defendants filed objections on April 14, 2023. ECF Nos. 40–41. The Court has conducted a *de novo* review of the motion to dismiss, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review,

the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, ECF No. 37, is **ADOPTED**.

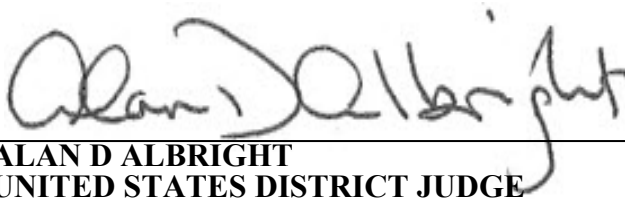
IT IS FURTHER ORDERED that Defendants' objections are **OVERRULED**.

IT IS FINALLY ORDERED that Leon County, Vanskike, and Spinks's Motion to Dismiss for Failure to State a Claim (ECF No. 11) and Southern Health Partners' and Page's Motion to Dismiss for Failure to State a Claim (ECF No. 18) are **GRANTED-IN-PART** and **DENIED-IN-PART**.

The following claims are hereby **DISMISSED**: any Eighth Amendment claims brought by Plaintiffs; claims against Page for failure to provide emergency medical care; and bystander claims against Page.

The following claims are **NOT DISMISSED**: Plaintiffs' claims against Vanskike for failure to prevent Decedent's suicide attempt and failure to provide emergency medical assistance; claims against Spinks for failure to prevent Decedent's suicide attempt and failure to provide emergency medical assistance; claims against Page for failure to prevent Decedent's suicide attempt; Monell claims against Leon County; Monell claims against SHP; vicarious liability claims against SHP; bystander liability claims against Vanskike; and bystander liability claims against Vanskike..

SO ORDERED and SIGNED this 23rd day of May, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE